

Judge Illston,

With respect to your sentencing decision for Rodrigo Santos, I would like to anonymously provide the following verifiable information for context—

The charges that Rodrigo has pleaded guilty to are largely financial or fraud related. *In my mind* he has yet to answer for thirty years of seriously flawed, and fraudulent, engineering that has put the physical and financial well-being of thousands of San Franciscans at risk. This is arguably a more serious, consequential, and widespread set of crimes and they are very unlikely to be exposed. I feel strongly that there should be consequences for those actions.

While the following facts all relate to Rodrigo's engineering fraud, I think they might help to give you some perspective on the scale of the problems that Rodrigo has created and the pathologic impact he has had on construction and real estate over a thirty-year period. Perhaps these facts may help you arrive at a more just sentence. A few weeks of engineering investigation by a reputable firm would allow the court to gauge the very real increased seismic risk to occupants and perhaps take the first steps to mitigate those risks.

Santos+Urrutia operated a fraudulent engineering practice for about thirty years. Estimating fifteen larger projects (more than thirty units) a year over those thirty years shows the potential scope of the problem. Here are a few of Rodrigo's tricks —

- Developers understood that they could build whatever they wanted after permits were issued, confident in the knowledge that Rodrigo would sign off on the construction without ever visiting the site. Inspectors at DBI were either disinterested in the quality control process or, more often, did not feel that they were empowered to question a licensed engineer. Inspections by the Engineer-of-Record were never performed and Rodrigo would write the affidavit stating that he had reviewed the work and it was compliant with the permit drawings. This point is easily verifiable by interviewing contractors and sub-contractors on Rodrigo's projects. Developers will deny this point but it was widely understood to be a major competitive advantage for Rodrigo.
- Engineers at Santos+Urrutia were never mentored in good design or construction practices. Their work was routinely shoddy, erratic, and ill conceived. This never deterred clients since, after permits were issued, developers lined up at Santos+Urrutia's office from 6am. Rodrigo would show up shortly after 6am, two or three hours before his employees, and eliminate major structural elements from the permit drawings purely on the basis that the developers felt they were excessive. The buildings were built from these "re-engineered" plans, though no calculations were produced, no revised drawings were submitted to DBI, and no inspections were performed. This point is easily verifiable by interviewing steel sub-contractors who bid the permit drawings and then rebid the "re-engineered" drawings. Employees at Santos+Urrutia usually did not know about their designs being undermined.



- Many of the larger buildings that Santos+Urrutia engineered were “podium” structures, essentially a wood building sitting on top of a one-, or two-story concrete “podium”. The concrete slab supporting the wood building is typically post-tensioned. Rodrigo was not experienced in post-tensioned concrete design so he farmed that work out to a rotating series of one-person firms, Jaime Villarroel, Bill Menta and others. The wood design was performed, poorly, in-house and the post-tensioning was done by others. Unfortunately, the loads from the wood design were never given to the post-tensioning engineer. The result was that large column and holdown loads now sit on undersized and under-reinforced concrete slabs all over the city. This point is easily verifiable by interviewing the post-tensioning engineers and looking at their input files.
- At a certain point Rodrigo came up with the idea of using concrete blind walls in these podium structures. Blind walls are the windowless walls at property lines between adjacent structures. These walls go all the way to the roof. Unfortunately, the wood walls perpendicular to these concrete walls are not capable of withstanding the seismic forces generated by the concrete blind walls. In fact, the building code has explicitly precluded this arrangement for many years. These buildings are newly built seismic hazards that should be mitigated. Duc Loi Supermarket at 2200 Mission Street and 200 Townsend Street and two obvious examples of this hazard, though there are probably a dozen others. A quick review of these two structures by a reputable private structural engineering firm would be an efficient way to confirm this point and begin to address the hazard. An interesting point related to this issue is that Tom Hui was the plan-checker on the first project that Rodrigo came up with this idea.
- Projects like 637 Natoma Street, pictured below, are so obviously lacking a credible seismic system it is amazing that they got through the system.



A cursory review of DBI's website shows that the only DBI inspections on this project were a single rebar inspection by Ed Sweeney on 02/07/2001 and two lath inspections by Ed in January of 2002. Ed Sweeney rarely left the building at DBI, so it is a little unusual that he would show up for these inspections. All the Special Inspections were signed off by Tom Hui, which is also unusual since Tom Hui was a plan-checker at that time, *not a building Inspector*. Tom Hui's facilitation of years of fraud is widely known at this point.

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
1/4/2002	Edward Sweeney	LATH, EXTERIOR	LATH, EXTERIOR
1/2/2002	Edward Sweeney	LATH, EXTERIOR	LATH, EXTERIOR
2/7/2001	Edward Sweeney	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0	2/13/2002	Tom Hui	01	CONCRETE	
0	2/13/2002	Tom Hui	02	BOLTS IN CONCRETE	
0	2/13/2002	Tom Hui	04	REBAR/TENDONS	
0	2/13/2002	Tom Hui	05	WELDING	
0	2/13/2002	Tom Hui	06	HIGH STRESS BOLTS	
0	2/13/2002	Tom Hui	19	SHEAR DIAP	
0	2/13/2002	Tom Hui	20	SPECIAL CASES	CHEMICAL GROUTING
0	2/13/2002	Tom Hui	20	SPECIAL CASES	HOLDOWNS
0	2/13/2002	Tom Hui	23	OTHER	GLU-LAM
0	2/13/2002	Tom Hui	13	GRADING/EXCAVATION	

Rodrigo's portfolio is riddled with situations like this. As a result, citizens of San Francisco have paid hundreds of millions of dollars for real estate that does not have a code compliant seismic system. A stiff sentence will hopefully act as a deterrent to the engineers that will surely fill the gap left by Rodrigo's departure.

2451 HARRISON ST Case 3:21-cr-00268-SI Document 69 Filed 02/01/23 Page 4 of 4  
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SAN FRANCISCO CA 940

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JAN 27 2023  
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